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DEPARTMENT OF WATER PROTECTION AND LAND REUSE
PLANNING & STANDARDS DIVISION

JAN 21 2010

Mr. Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Planning & Standards Division
79 Elm Street
Hartford, Connecticut, 06106-5127

Re: Proposed Stream Flow Standards and Regulations

Dear Mr. Stacey:

I have reviewed the *Proposed Stream Flow Standards and Regulations*, and I found that they fully comport with the intent and purpose of Public Act 05-142. This statute directed Connecticut Department of Environmental Protection ("DEP") to develop regulations that would expand the coverage of the stream flow standards and regulations to include all rivers and streams, rather than only those stocked with fish, as was the case previously.

The statute further directed DEP to develop standards that balance the needs of humans to use water for drinking, washing, fire protection, irrigation, manufacturing, and recreation, with the needs of fish and wildlife, which also rely upon the availability of water to sustain healthy natural communities. Unfortunately, the proposed regulations only manages the supply side of stream flow. To comprehensively balance the needs between humans and faunal species, the regulations should, also, consider demand side management through water conservation and efficiency of water consumption. Therefore, I recommend that the regulations require municipalities and water companies to provide and implement 365 day-a-year water conservation plans.

Additionally, the regulations are consistent with the state's encompassing environmental policy found in Connecticut General Statutes ("Conn. Gen. Stats."), which provides as follows:

The General Assembly finds that the growing population and expanding economy of the state have had a profound impact on the life-sustaining natural environment. The air, water, land and other natural resources, taken for granted since the settlement of the state, are now recognized as finite and precious. It is

now understood that human activity must be guided by and in harmony with the system of relationships among the elements of nature. Therefore the General Assembly hereby declares that the policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state. It shall further be the policy of the state to improve and coordinate the environmental plans, functions, powers and programs of the state, in cooperation with the federal government, regions, local governments, other public and private organizations and concerned individuals, and to manage the basic resources of air, land and water to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations.

Attached are comments in the article published in the Day newspaper, New London on November 30, 2009. The comments in the newspaper reflect wrongful opinions contrary to the purpose and intent of the law and reflect the arrogant belief that human priorities supersede those of other life forms; such thinking is symptomatic of past environmental excesses and abuses and the need for regulations. Those opinions are not beneficial to the policies embodied in Public Act 05-142 and section 22a-1 and are not beneficial to preserving, protecting and enhancing the environment for current and future generations. While you must consider such political opinions in the regulatory rule making process, they are antagonistic to environmental enhancement envisioned by the regulations.

I fully support the proposed regulations and urge expansion of the regulations to include water conservation management.

Cordially,


Robert Fromer

Attachment The Day article, *Smooth-flowing streams is goal of regulations* dated
Nov. 11, 2009

Smooth-flowing streams is goal of regulations

By Judy Benson

Publication: The Day

Published 11/30/2009 12:00 AM

Updated 11/30/2009 07:28 AM

State DEP rules would create standards for water designated for human use

Connecticut, it might seem, has plenty of water.

But its more than 6,000 miles of rivers and streams, along with the groundwater supplies, lakes and ponds that make up the state's abundant freshwater resources aren't being managed and protected the way they should be - or at least that's the premise behind proposed new regulations.

Called stream flow regulations, they were written by the state Department of Environmental Protection in consultation with scientists, fisheries experts and representatives of environmental groups, farmers and private and municipal water companies to comply with a new state law.

That law grew out of a 2002 state Supreme Court case involving water rights in the western part of the state, said Betsy Wingfield, chief of the DEP's water protection and land reuse bureau.

"Our current regulations have no basis in science for what is healthy for streams," she said.

The new regulations, if adopted, would for the first time establish comprehensive standards for how much water can be taken from and emptied into water sources tapped for drinking and businesses, Wingfield said, using a four-tier classification system of each source's ecological condition and human use.

Dams, municipal and private water company supplies would be affected. Previously, the state's rivers and streams were only regulated for fish-stocking purposes, she added.

The overall purpose of the regulations, Wingfield said, is to strike a balance between the needs of humans and those of wildlife, so that streams, rivers,

Among local officials opposed to the current version of the regulations is Barry Weiner, chairman of the New London Water and Water Pollution Control Authority. The New London water system, which supplies customers in New London, Waterford and parts of Montville, taps Lake Konomoc in Waterford for its main source, in addition to several smaller lakes and ponds.

"We would potentially have to stop taking water from certain supplies and do downstream releases," Weiner said. "This could be a serious obstacle for municipal water systems and ultimately it will fall on ratepayers."